

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

JAMES E. MCCLAIN,)	
)	Case No. 3:20-cv-327
<i>Plaintiff,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Debra C. Poplin
CODY FRITZ and JAIMIE KENTNOR,)	
)	
<i>Defendants.</i>)	
)	

ORDER

Before the Court is Plaintiff's application to proceed *in forma pauperis* (Doc. 1). On December 11, 2020, Magistrate Judge Debra C. Poplin issued a report and recommendation recommending that (1) the application be granted, (2) Plaintiff's excessive-force claims against Defendants proceed, and (3) Plaintiff's illegal-seizure claim and request for criminal charges be dismissed (Doc. 5). Neither party filed a timely objection to the report and recommendation.

After reviewing the report and recommendation, the Court agrees with Magistrate Judge Poplin's well-reasoned conclusions. Accordingly, the Court **ACCEPTS** and **ADOPTS** the report and recommendation (Doc. 5), and **ORDERS** that Plaintiff's application to proceed *in forma pauperis* (Doc. 1) is **GRANTED**.

Because Plaintiff is an inmate in the Loudon County Jail, he is **ASSESSED** the civil filing fee of \$350.00. The custodian of Plaintiff's inmate trust account is **DIRECTED** to submit to the Clerk, U.S. District Court, 900 Georgia Avenue, Chattanooga Tennessee 37402, as an initial partial payment, whichever is the greater of: (a) twenty percent (20%) of the average monthly deposits to Plaintiff's inmate trust account; or (b) twenty percent (20%) of the average

monthly balance in his inmate trust account for the six-month period preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1)(A), (B). Thereafter, the custodian of Plaintiff's inmate trust account shall submit twenty percent (20%) of Plaintiff's preceding monthly income (or income credited to Plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of \$350.00 as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk. 28 U.S.C. § 1915(b)(2).

To ensure compliance with this fee-collection procedure, the Clerk is **DIRECTED** to provide a copy of this order to the Court's financial deputy and the custodian of inmate accounts at the Loudon County Jail. These documents shall be placed in Plaintiff's file and follow him if he is transferred to another correctional institution.

Finally, it is **ORDERED** that Plaintiff's illegal-seizure claim and his request that criminal charges be brought against Defendants are **DISMISSED**.

SO ORDERED.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE